

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

11-*D*-0856

**AN ORDINANCE TO REPEAL ORDINANCE 10-O-1981 WHICH
RENAMED HARRIS STREET TO JOHN PORTMAN
BOULEVARD; AND FOR OTHER PURPOSES.**

WHEREAS, Ordinance 10-O-1981 adopted by the City Council on May 16, 2011 and signed by the Mayor on May 25, 2011 was intended to honor noted Atlanta architect John Portman by renaming Harris Street to John Portman Boulevard; and

WHEREAS, on May 19, 2011 the Atlanta Preservation Center and certain individuals filed suit in the Superior Court of Fulton County in an action entitled *Atlanta Preservation Center et al v. City of Atlanta, et al* Civil Action File Number 2011cv200890 which alleged that the the process set forth in Sec. 138-8 of the City Code requires certain specific notifications, sign postings and public hearings in street renamings which may not have been completed or completed in a manner that is not consistent with Sec. 138-8; and

WHEREAS, the Law Department has represented the City, the President of the City Council and the members of the City Council named in their official capacity in regard to injunctive relief which would prevent the City from undertaking actions necessary to rename Harris Street to John Portman Boulevard; and

WHEREAS, injunctive relief has been ordered by the Court that would prevent the City from undertaking actions necessary to rename Harris Street to John Portman Boulevard until July 15, 2011; and

WHEREAS, the Law Department has indentified certain risks in the litigation which can be mitigated by the repeal of Ordinance 10-O-1981; and

WHEREAS, the repeal of Ordinance 10-O-1981 may lead to a complete settlement of the lawsuit as to John Portman Boulevard and related claims brought as to other recent street renamings; and

WHEREAS, the authority of the City and its governing authority to rename streets has been tested in *Goodman v. City of Atlanta*, 246 Ga. 79 (1980) with respect to the renaming of Forrest Avenue to Ralph McGill Boulevard; and

WHEREAS, a well documented and carefully supervised process can reasonably be expected to lead to a vote on a new application renaming Harris Street to John Portman Boulevard by July 18, 2011;

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

Section 1: That Ordinance 10-O-1981 be repealed in its entirety.

Section 2: That any fees paid in connection with the application for renaming Harris Street to John Portman Boulevard which was associated with 10-O-1981 be transferred to a future application for the payment of costs associated with a future renaming in that there were certain defects alleged in the first process which led to the litigation such that it was deemed prudent to repeal 10-O-1981 to prevent a lengthy process of litigation.

Section 3: That this ordinance become effective upon the Mayor's signature or as specified by City Charter Sec. 2-403.